



U.S. Department of Justice

United States Attorney
Southern District of New York

MEMO ENDORSED

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

January 17, 2008

BY FACSIMILE

Hon. Theodore H. Katz
United States Magistrate Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *Hector Ruiz v. United States*,
No. 07 Civ. 9461 (RMB) (THK)

Dear Judge Katz:

I have been assigned to prepare the Government's response to the motion under 28 U.S.C. § 2255 submitted by Hector Ruiz in the above-captioned case. The motion alleges that Ruiz received constitutionally ineffective assistance from trial and appellate counsel, and that his conviction for conspiring to distribute one kilogram and more of heroin, in violation of 21 U.S.C. § 846, should be vacated on that basis.

I write to request a two-week extension to the deadline set by the Court for the filing of the Government's response to the motion. The additional time is necessary to permit the Government to complete its examination of the voluminous record in this case, to review the motion with Ruiz's trial and appellate counsel, and to complete a full and detailed response to the motion.

*The response to the Petition
will be filed by February 1, 2008.
Any Reply will be filed by
February 22, 2008.*

Respectfully submitted,

MICHAEL J. GARCIA
United States Attorney

By:

Howard S. Master
Howard S. Master
Assistant United States Attorney
Southern District of New York
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SO ORDERED

cc:

Hector Ruiz

Theodore H. Katz
THEODORE H. KATZ

UNITED STATES MAGISTRATE JUDGE

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